

### REMARKS

This is in response to the Office Action mailed September 18, 2006. Reconsideration of this application is respectfully requested in view of this response.

A minor amendment has been made to claims 1, 5, 11, 28, and 29 to correct typographical errors. This amendment has been made without adding new matter.

This response should obviate outstanding issues and make the pending claims allowable. Reconsideration of this application is respectfully requested in view of this response/amendment.

### STATUS OF CLAIMS

Claims 1- 29 are pending.

Claims 1-29 are provisionally rejected under the judicially created doctrine of obviousness-double patenting as being unpatentable over claims 1-26 of co-pending application 10/774,584.

Claims 1-29 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Franz et al., *"An Efficient XML Schema Typing System"*.

Claims 1-4 and 28 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Franz et al., *"Java Architecture for XML Binding (JAXB)"*.

### OVERVIEW OF THE INVENTION

An XML schema is compiled into an annotated automaton encoding, which includes a parsing table for the structural information and annotation for type information. The

representation is extended to include the mapping from the schema entities to the states in the parsing table. To validate a fragment against a schema entity, one only needs to find the state corresponding to the schema entity, and start the validation process from that state. When the process returns to the state, fragment validation is finished and succeeded. The present invention's approach is more efficient than the general tree representation and only data representation of the schema information is handled, which is much easier than manipulating validation parser code generated by a parser generator. Only one representation is needed for schema information for both document and fragment validation. The present invention's approach also provides a basis for incremental validation after update.

#### REJECTIONS UNDER 35 U.S.C. § 102(a)

The Examiner has rejected claims 1-29 under 35 U.S.C. §102(a) as being anticipated by the paper to Franz et al. titled "An Efficient Schema Typing System", hereafter Franz.

Under 35 U.S.C. §102(a), a person shall be entitled to a patent unless the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent. Applicants respectfully submit that the invention was not known by others, as the reference's disclosure was derived from Applicants' own work.

The cited paper titled "An efficient XML schema typing system" lists the following authors: Ning Wang, Peter S. Housel, Guogen Zhang, and Michael Franz. The instant application lists the following inventors: Yao-Ching Stephen Chen, Fen-Ling Lin, Ning Wang, Guogen Zhang. M.P.E.P. 2132.01 provides guidelines for Applicants in such a situation where

an Applicant's disclosure of his or her own work within the year before the application filing data cannot be used against him or her under 35 U.S.C. §102(a). In re Katz, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).

The M.P.E.P in the same section further states that where the Applicant is one of the co-authors of a publication cited against him or her application the rejection can be overcome by submission of a specific declaration by the Applicant establishing that the article is describing Applicant's own work.

In accordance with M.P.E.P. guidelines set forth in section 2132.01, each of the inventors of the instant application have executed a declaration stating the reference's disclosure was derived from Applicants' own work.

Since the publication to Franz et al. describes Applicants' own work, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §102(a) rejection and, hereby, respectfully request the Examiner to allow the pending claims.

Claims 1-4 and 28 stand rejected under 35 U.S.C. §102(a) as being anticipated by Franz et al., Sun Microsoft "Java Architecture for XML Binding (JAXB)", hereafter, Sun. To be properly rejected under 35 U.S.C. §102(a), the reference must teach each and every feature of the rejected claim. Applicants respectfully contend that many of the features of Applicants' claims 1-4 and 28 are not taught or suggested by Sun.

Sun merely provides for a Java architecture for XML Data Binding (JAXB) that gives Java developers an efficient and standard way of mapping between XML and Java code. JAXB provides a convenient way to bind an XML schema to a representation in Java code. This makes

it easy for you to incorporate XML data and processing functions in applications based on Java technology without having to know much about XML itself.

The Examiner summarily states without any specifics that Sun teaches all the features of claims 1-4 and 28. Specifically, the Examiner fails to show where in the Sun reference there is a teaching for "receiving as input said stored XML schema definition and a fragment of a structured document into a *runtime validation engine*", a feature of both claims 1 and 28. The Examiner's rejection also lacks specifics regarding Applicants' feature of "outputting a *validation pass* or fail on the basis of said input", another feature of both claims 1 and 28. Absent a suggestion or teaching in Sun for such features, Sun cannot anticipate or render obvious Applicants claims 1-4 and 28.

Hence, Applicants respectfully request the Examiner to withdraw the rejections with respect to claims 1-4 and 28, and further respectfully requests allowance thereof.

If the examiner still feels that that Applicants' features of receiving as input said stored XML schema definition and a fragment of a structured document into a runtime validation engine and outputting a validation pass or fail on the basis of the input are disclosed in the Sun et al. reference, Applicants respectfully remind the examiner that it is the duty of the examiner to specifically point out each and every limitation of a claim being rejected as per §1.104(c)(2) of Title 37 of the Code of Federal Regulations and section 707 of the M.P.E.P., which explicitly states that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified".

SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of Applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This response is being filed with a request for extension of time. The Commissioner is hereby authorized to charge the extension fee, as well as any deficiencies in the fees provided to Deposit Account No. 09-0460.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicants' representative at the below number.

Respectfully submitted,

*/ramrajsoundararajan/*

Ramraj Soundararajan  
Registration No. 53832

9435 Lorton Market Street #801  
Lorton, Virginia 22079  
(571) 642-0033

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